

Message Text

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ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 FAA-00 L-02 SSO-00 NSCE-00

INRE-00 USIE-00 SS-15 NSC-05 PRS-01 PA-01 /047 W

----- 027619

O R 242210Z FEB 75

FM AMEMBASSY LIMA

TO SECSTATE WASHDC IMMEDIATE 4042

INFO AMEMBASSY BUENOS AIRES

AMEMBASSY LA PAZ

AMEMBASSY QUITO

C O N F I D E N T I A L LIMA 1531

EO 11652: XGDS1

TAGS: EAIR, PE

SUBJ: CIVAIR - DISPUTE WITH PERU

REF: STATE 039618; LIMA 1492

1. EMBASSY OFFICER MET WITH DGTA BERCKEMEYER FEBRUARY 24 TO INFORM HIM OF CAB SHOW CAUSE DIRECTIVE AND TO GIVE HIM COPY OF CAB PRESS RELEASE TOGETHER WITH EMBASSY'S UNOFFICIAL TRANSLATION. NEWS OBVIOUSLY CAME AS SURPRISE TO HIM, BUT HE REACTED CALMLY AND COMMENTED MOVE WAS NOT ENTIRELY UNEXPECTED, SINCE IT HAD BEEN CLEARLY ENVISAGED IN THE NEGOTIATING RECORD. IN RESPONSE TO DGTA'S QUESTION WHETHER CAB INTENDS REVOKE AEROPERU PERMIT, EMBOFF SAID PRESENT STEP SHOULD BE VIEWED AS START OF LEGAL PROCESS, DURING WHICH IT IS USG HOPE THAT FURTHER EFFORTS REACH AGREEMENT CAN BE MADE. EMBOFF DREW ON ANALOGY CONTAINED PARA 4 STATE 039617.

2. DGTA SAID HE TOO THOUGHT FURTHER MOVEMENT COULD BE MADE TOWARD AGREEMENT. SPEAKING "PERSONALLY" HE SAID PERU COULD OFFER BRANIFF MORE THAN FIFTEEN FLIGHTS NORTH AND ONE FLIGHT SOUTH PER WEEK, ALTHOUGH IT COULD NOT POSSIBLY
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ACCEPT BRANIFF'S PREVIOUS 34-FREQUENCY SCHEDULE. HOWEVER,

HE COMPLAINED, BRANIFF HAD NOT TRIED TO MAKE ANY COUNTER-
PORPOSAL IN FEBRUARY 17 MEETING, BUT HAD "WALKED AWAY".
EMBOFF SAID HE UNDERSTOOD THAT TWO OF BASIC PROPOSALS
UNACCEPTABLE TO BRANIFF WERE POLLING, WHICH ALSO UNACCEPT-
ABLE TO USG, AND STRINGENT LIMITATIONS ON NUMBER OF
PASSENGERS PER FLIGHT WHICH BRANIFF MAY BOARD ON SERVICES
SOUTH OF LIMA. BERCKEMEYER COUNTERED THAT POOLING IS NOT
IN FACT CONTRARY TO U.S. LAW AND THAT IN ANY CASE BRANIFF
COULD HAVE MADE A COUNTERPORPOSAL, WHICH IT CHOSE NOT TO
DO. WITH RESPECT TO LIMITATIONS, THESE WERE SOMETHING THAT
MIGHT BE NEGOTIATED.

3. BERCKEMEYER SAID THAT AS FAR AS DGTA IS CONCERNED,
BRANIFF MAY CONTINUE TO FLY PRESENT
RESTRICTIVE SCHEDULE AFTER ITS OPERATING PERMIT EXPIRES ON
FEBRUARY 28. IF BRANIFF DECIDES TO TERMINATE SERVICE,
THE DECISION WILL BE THEIRS; PERU WILL NOT ASK BRANIFF
TO LEAVE. OF COURSE, IF AEROPERU'S PERMIT IS SUSPENDED,
GOP WILL RETALIATE BY SUSPENDING BRANIFF. IN THIS UNFOR-
TUNATE EVENT, BERCKEMEYER SAID, BOTH SIDES WOULD LOSE,
BUT BRANIFF WOULD BE FURT FAR MORE THAN AEROPERU, AND
WHEN NEGOTIATIONS BEGAN AGAIN, "IN THREE, FOUR, OR SIX MONTHS",
TWO SIDES WOULD BEGIN ZERO TO ZERO, OR EQUAL, WHICH WOULD BE
DISADVANTAGEOUS TO BRANIFF. EMBOFF POINTED OUT THAT
HEALTHY, GROWING BRANIFF SERVICE IS IN PERU'S OVERALL
BEST SELF-INTEREST, TO WHICH BERCKEMEYER REPLIED THAT
TOURISTS WOULD CONTINUE COME TO PERU NO MATTER WHAT HAPPENS
TO BRANIFF AND THAT BRANIFF HAS EXAGGERATED ITS CONTRIBU-
TION TO PERUVIAN TOURISM. REFERRING TO BILATERAL, HE
COMMENTED THAT CAB'S STATEMENT MIGHT BE TECHNICALLY
ACCURATE, BUT PERU CAN NEVER EXCEPT PRINCIPLE OF EX POST
FACTO APPROVAL OF FREQUENCIES. EMBOFF THEN ASKED
BERCKEMEYER HOW HE THOUGHT FURTHER DISCUSSIONS MIGHT BE
INITIATED, TO WHICH BERCKEMEYER RESPONDED WITH AN OFF-
HAND WAVE TOWARD THE CAB PRESS RELEASE AND THE STATEMENT
"THEY TOOK THIS MOVE, SO THEY SHOULD DECIDE."

4. EMBOFF EARLIER SPOKE TO AEROPERU LAWYER GULMAN BY
TELEPHONE. HE HAD ALREADY BEEN INFORMED OF CAB ACTION
AND SAID HE IS CONFIDENT AEROPERU CAN MAKE CONVINCING
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CASE.

5. EMBOFFS HAVE APPOINTMENT WITH AMBASSADOR MARCHAND AT
FOREIGN MINISTRY TOMORROW AND WILL LEAVE COPY OF CAB
PRESS RELEASE WITH HIM.

6. COMMENT: BERCKEMEYER'S STOLID BUT POLITE REACTION WAS
TYPICAL OF HIS ATTITUDE THROUGHOUT NEGOTIATIONS. HE APPEARS

TO HAVE ACCEPTED GULMAN'S HARDLINE ANALYSIS AND HE
IMPRESSED EMBOFF AS GIVING SINCERE EXPRESSION OF REGRET
AT PROSPECT OF SUSPENSION OF SERVICES WHILE REGARDING
PROSPECT AS FULLY ACCEPTABLE ALTERNATIVE FROM WHICH PERU
WOULD EMERGE THE STRONGER.

7. WE HAVE NO INDICATION HOW SENIOR GOP OFFICIALS WILL
ELECT TO TREAT MATTER IN THE PRESS. HOWEVER, DESPITE
BERCKEMEYER'S CALM, IF GOP RUNS TRUE TO FORM THERE WILL
AT MINIMUM BE A BARRAGE OF ANTI-BRANIFF AND ANTI-U.S.
COMMENTARY.
DEAN

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